IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

-

-

THURSDAY, THE ELEVENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17601 OF 2005

Between:

Mahaveernagar Welfare Association,

Represented by its General Secretary,

Mr.P.Srinivasa Rao … Petitioner

Versus

The District Collector, Hyderabad District

And Ors. … Respondents

O R D E R :

This writ petition is filed questioning the action of the respondents in mentioning an extent of one acre, 28 sq.mts in town survey no.7/1, block no.1, ward no.25, corresponding to survey no.31 of Asifnagar village instead of Acs:8-30 guntas as illegal, arbitrary, unconstitutional and violation of Section 9 (2) of AP Survey and Boundaries Act, 1923 and declare them as null and void and consequently direct the respondents to rectify the mistake crept in town survey land record as per revenue records as Acs:8-30 guntas.

It is submitted that one Mr.Balaji singh, who was the original owner and pattedar to an extent of Acs:8-30 guntas in survey no.31 of Asifnagar and for an extent of Acs:3-21 guntas situate in survey no.98, 99/1 and 99/2 of Gudimalkapur village. The second respondent issued occupancy rights certificate No.A1/396/97 dated 16-5-1979 in favour of original owner, Balaji singh, who is in actual possession of land to

an extent of Acs:8-30 guntas and it was confirmed by the Joint Collector, Hyderabad in Proceedings No.B2/7392/92, dated 09-12-1999 and later it was also confirmed by an order dated 19-7-2000 of this court in WP.No.2859 of 2000.

It is submitted that the petitioner-society purchased an extent of Acs:8-31 guntas of land in survey no.31 of Asignagar and Acs:3-21 guntas in survey nos. 98, 99/1 and 99/2 of Gudimalkapur from its original owner, Balaji singh. Actually the land situated in the above survey numbers were earmarked for recreational and institutional use but the Government of AP issued draft variation in AP Gazette Part-I extraordinary on 7-4-1989, wherein the land in survey no.31 of Asifnagar and the land in survey nos.98, 99/1 and 99/2 in Gudimalkapur village of Golconda Mandal is converted into residential use. Consequently, GO.Ms.No.214, Municipal Admn.Housing, Urban Development (II) Department, dated 28-4-1999 was issued confirming the draft variation dated 7-4-1989. Thereafter, the HUDA directed the petitioner society to pay Rs.1,04,406-00 towards developmental charges of the said land. The petitioner-society remitted the said amount as directed by HUDA and thereafter the petitioner-society submitted layout plan with their application dated 02-9-1989 to the MCH authorities. After verification, the MCH authorities through letter dated 14-6-1990 informed the petitioner society that the plan submitted by them has been suitably modified and directed to demarcate the roads/plots and boundaries of the layout as per the corrected layout plan and intimated the same for estimation of cost in order to provide amenities in the layout. After purchase of the plots by the individual members, the society is not effective and thereby the plot owners formed themselves into Mahaveernagar Welfare Association. Now the petitioner-society submits that the

Association consisting of 116 members, who are holding 116 plots and out of them 50 plot owners have constructed their houses and the remaining plots are kept vacant.

The learned counsel for the petitioner-society submits that the petitioner-society came to know that a mistake was crept in TSLR in mentioning the extent of land in survey no.31 of Asifnagar village. Originally the land situate in sy.no.31 of Asifnagar is an extent of Acs:8-30 guntas, which was mentioned in all the revenue records including occupancy right certificate issued by the second respondent.

It is contended by the learned counsel for the petitioner that no notice was given either to the petitioner-society or its predecessor-in-title under section 9 of sub-section 2 of AP Survey and Boundaries Act, 1923 before conducting town survey by the respondents. Now the Govt.of Andhra Pradesh issued a Circular No.3 (CSS & LRS) 1373/05, dated 31-3-2005 wherein it has been categorically instructed the respondents to carryout the corrections in TSLR wherever necessary. Therefore, the petitioner submitted its representation on 23-7-2005 through advocate seeking correction of town survey land record in survey no.31 but so far the respondents have not taken any action on the said representation.

Considering the facts and circumstances of the case and taking into consideration the submissions made by the learned counsel for the petitioner-society, I deem it appropriate to dispose of the writ petition at the admission stage, with a direction to consider and treat the legal notice dated 23-7-2005 issued by Mrs.A.Chayadevi, counsel for the petitioner-society, as explanation and pass appropriate orders in pursuance of RC.No.3 (CSS & LRS) 1373/05 dated 31-3-2005 issued by the Chief

Commissioner, Land Administration, AP Hyderabad, directing to carry out the corrections in town survey land records, wherever necessary. The above exercise shall be completed within eight weeks from the date of receipt of a copy of the order. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioner-society. It is also further made clear that the petitioner-society shall not change the nature of the land or create any third party charge till appropriate orders is passed in carrying out the corrections in town survey land records.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 11th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.